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Letter dated 28 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (see annex), which covers the Committee's activities during the period from 1 April 2006 to 31 December 2006. This report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Adamantios Th. **Vassilakis**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

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Annex

Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 1 April to 31 December 2006. The previous report of the Committee covered the period from 29 March 2005, when the Committee was established, to 31 March 2006 (see S/2006/543).

2. For 2006, the bureau consisted of Adamantios Th. Vassilakis (Greece) as Chairman, with the delegations of Argentina and Slovakia providing the Vice-Chairmen. During the reporting period, the Committee held six informal consultations.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 of 30 July 2004, the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of Northern Darfur, Southern Darfur and Western Darfur in the Sudan.

4. By its resolution 1591 of 29 March 2005, the Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution 1591, the Council also established a committee to monitor the implementation of the arms embargo and the two additional measures imposed by the resolution, namely a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into force on 29 April 2005.

5. Resolution 1591 (2005) also established, for a period of six months, a Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities as appropriate with ongoing operations of the African Union Mission in the Sudan. Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. In a letter dated 13 May 2005, the Under-Secretary-General for Political Affairs proposed the names of four individuals to serve on the Panel of Experts established by resolution 1591 (2005). On 30 June 2005, following an exchange of communications between the Committee and the Secretariat regarding the specific process and criteria for selecting nominees to serve on the Panel, the Secretary-General appointed four individuals to the Panel of Experts in accordance with

resolution 1591 (2005) (S/2005/428). The Panel presented an interim report to the Committee on 7 October 2005, then its final report under resolution 1591 (2005) on 9 December 2005. The Committee transmitted the final report to the Council on 30 January 2006 (S/2006/65).

7. By its resolution 1651 of 21 December 2005, the Security Council decided to extend the Panel's mandate until 29 March 2006. By a letter dated 13 January 2006, the Secretary-General appointed three individuals to the Panel (S/2006/23), while a fourth expert was subsequently appointed by the Secretary-General on 10 February 2006 (S/2006/99). The Panel presented its final report under resolution 1651 (2005) to the Committee on 22 March 2006, and the Committee transmitted the report to the Council on 19 April (S/2006/250).

8. By its resolution 1665 of 29 March 2006, the Security Council decided to extend the Panel's mandate for six months, until 29 September 2006. By a letter dated 17 May 2006, the Secretary-General appointed four individuals to the Panel, of whom one had served as panellist under the previous mandate (S/2006/301). The reconfigured Panel provided a mid-term briefing on its work to the Committee on 25 July 2006, and presented its final report under resolution 1665 (2006) on 31 August 2006. The Committee transmitted the report to the Council on 2 October (S/2006/795).

9. By its resolution 1672 of 25 April 2006, the Security Council designated four individuals as subject to the travel ban and assets freeze imposed by resolution 1591 (2005).

10. By its resolution 1679 of 16 May 2006, the Security Council expressed its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as a travel ban and assets freeze, against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement.

11. By its resolution 1713 of 29 September 2006, the Security Council decided to extend the Panel's mandate for a period of one year, until 29 September 2007, while also authorizing the addition of a fifth expert to enable the Panel to better carry out its mission. By a letter dated 28 November 2006, the Secretary-General appointed five individuals to the Panel, of whom four had served as panellists under a previous mandate (S/2006/926).

B. Summary of the activities of the Committee

12. During the period under review, the Committee received no additional replies to its communications to 11 States in the region of the Sudan and to all States, dispatched on 17 and 27 May 2005, respectively, which recalled the relevant provisions of resolutions 1556 (2004) and 1591 (2005) and requested information on the steps that States had taken to implement the arms embargo, the travel ban and the assets freeze. Thus, the total number of replies received remains 13.

13. In a letter dated 19 April 2006, the Permanent Mission of the Republic of Korea to the United Nations sought the Committee's interpretation regarding several aspects of the arms embargo imposed by resolution 1591 (2005). In a reply dated 25 April, the Committee conveyed its understanding that, according to paragraph 7 of resolution 1591 (2005), Member States could provide arms and military equipment to the Government of the Sudan outside the Darfur region and that the

Government could move military equipment or supplies irrespective of their origin into the Darfur region on the condition that such movement was approved in advance by the Committee upon a request by the Government.

14. At its informal consultations on 19 April 2006, the Committee discussed the proposed designation of four individuals as being subject to the travel ban and assets freeze imposed by subparagraphs (d) and (e) of paragraph 3 of resolution 1591 (2005). On 20 April, the Chairman of the Committee delivered his fourth 90-day report to the Security Council on the work of the Committee, in accordance with subparagraph 3 (a) of the same resolution, in which he briefed the Council on the Committee's discussions regarding the proposed designation of individuals. Subsequently, on 25 April, the Security Council adopted resolution 1672 (2006), designating those individuals. Following the adoption of resolution 1672 (2006), the Committee incorporated the names of the individuals designated therein into a consolidated travel ban and assets freeze list.[1]

15. In a letter dated 15 May 2006, the Chargé d'affaires a.i. of the Permanent Mission of the Sudan responded to an earlier query from the Committee, transmitted via letter dated 17 March 2006 from the Chairman, on why the Government of the Sudan had not sought the Committee's prior approval, in accordance with paragraph 7 of resolution 1591 (2005), in connection with the arms and materiel moved into Darfur.

16. At its informal consultations on 15 June 2006, the Committee met with the three new members of the Panel of Experts, the Panel's mandate having been extended by resolution 1665 (2006). The Committee heard an update from the Panel on its programme of work. The Committee also took note of the above-mentioned communication from the Permanent Mission of the Sudan.

17. At its informal consultations on 25 July 2006, the Committee heard and discussed a mid-term briefing provided by the Panel of Experts pursuant to paragraph 2 of resolution 1665 (2006). The oral briefing was supplemented by a written report which, however, was not issued as a document of the Council. On 27 July, the Chairman delivered his fifth 90-day report to the Council, which essentially summarized the discussions held in the Committee's informal consultations.

18. At its informal consultations on 26 September 2006, the Committee received an oral and visual presentation by the Panel of Experts concerning its final report under resolution 1665 (2006) (S/2006/795), and Committee members were also provided with copies of an unpublished annex to that report. At its informal consultations on 29 September, the Committee continued its interactive discussion in greater depth with the Panel on the contents of the report. On the same day, as recommended in the report, the Security Council, by its resolution 1713 (2006), extended the Panel's mandate for one year and also authorized the addition of a fifth expert.

19. At its informal consultations on 20 October 2006, the Committee devoted its attention to the other recommendations contained in the Panel's report and agreed to take action on some of them. Accordingly, the Chairman dispatched three

[1] The consolidated list is available on the Committee's website at: http://www.un.org/Docs/sc/committees/Sudan/Sudan_list.pdf.

communications: a letter dated 8 November, addressed to the Permanent Representative of the Sudan to the United Nations, encouraging the Government of the Sudan to consider issuing multiple-entry visas for the experts and to ameliorate the security constraints faced by them in-country; a letter dated 8 November, addressed to the Chairperson of the African Union Commission, seeking the views of the African Union and the African Union Mission in the Sudan on how a baseline inventory of arms and related materiel in Darfur could be undertaken under article 27 of the Darfur Peace Agreement in order to enhance the monitoring and effectiveness of the arms embargo; and a note verbale dated 24 November, addressed to all States, which encouraged them to provide the Committee with relevant additional identifiers for the individuals designated as subject to the targeted sanctions by resolution 1672 (2006) and circulated a photograph of one of those individuals.

20. On 22 November 2006, the Chairman delivered his sixth 90-day report to the Security Council, the text of which was based on the discussions held in the Committee's prior informal consultations.

21. In conducting its work, the Committee followed the guidelines which it adopted on 23 March 2006.[2] Among other things, the guidelines serve to facilitate the implementation of the travel ban and assets freeze imposed by subparagraphs (d) and (e) of paragraph 3 of resolution 1591 (2005), in accordance with subparagraph 3 (a) (iii) of the same resolution. In this connection, however, no requests were received by the Committee either to remove the names of individuals on the consolidated travel ban and assets freeze list or for exemptions to the targeted sanctions.

C. Violations and alleged violations of the sanctions regime

22. In both its mid-term briefing and final report under resolution 1665 (2006), the Panel of Experts drew attention to ongoing violations of the arms embargo imposed by resolutions 1556 (2004) and 1591 (2005). It also made recommendations aimed at improving the implementation of the embargo. The Committee took action on one of those recommendations — that is, in the form of the above-mentioned letter dated 8 November 2006, addressed to the Chairperson of the African Union Commission.

23. The Panel of Experts also made recommendations aimed at enhancing the implementation of the travel ban and assets freeze imposed by resolution 1591 (2005) with respect to the individuals subsequently designated by resolution 1672 (2006). The Committee took action on one of those recommendations through the dispatch of the above-mentioned note verbale dated 24 November, addressed to all States.

24. In addition, as mentioned in paragraph 18 above, the Panel of Experts provided to the Committee an annex to its report containing information regarding individuals who could be considered for designation by the Committee as subject to the targeted sanctions. By the end of the reporting period, the Committee had not designated any additional individuals as such.

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[2] The guidelines are available on the Committee's website at: www.un.org/Docs/sc/committees/SudanTemplate/htm.